

**SPECIAL EXCEPTION
(SPEX 2006-0037)
COMMUNITY CORNER
~Statement of Justification~**



Introduction

Gateway Community Church (the "Applicant") submits this Statement of Justification for a special exception use (fast food with drive-through) in a single lot within the approximately 10.0112 acres of real property (the "Property") that will be rezoned to PD-CC-CC. The Property is located on the east side of Gum Spring Road (Route 659), about 0.4 miles south of the intersection of Gum Spring Road and Route 50, in the Dulles Election District of Loudoun County, and further described as Tax Map Number 101 Parcel 44B, MCPI # 204-10-2931 and Tax Map 101 Parcel 41A, MCPI # 204-19-8672. The Property is currently zoned Commercial Light Industry (CLI) and Single Family Residential (R-1) per the Revised 1993 Zoning Ordinance (RZO), of which the Applicant proposes rezoning portions to Planned Development – Commercial Center – Community Center (PD-CC-CC).

Project Description

The Applicant is proposing the construction of six (6) commercial pad sites on approximately 10.0112 acres of property. This rezoning proposes the construction of two banks with drive-through facilities ($\pm 9,550$ total SF), two office/retail buildings ($\pm 27,900$ total SF), one fast food restaurant with drive-through facilities ($\pm 5,350$ SF) and one pharmacy with drive-through facilities ($\pm 10,000$ SF). This project incorporates the approved alignment of West Spine Road and also the extension of Tall Cedars Parkway, of which both bisect the subject parcel.

Due to the growing demands of the emerging residential community in Dulles South, this proposal will support the need for a broad range of retail and commercial uses that is provided by sites like Stone Ridge Shopping Center, South Riding Market Square and Brambleton Town Center. The Applicant wishes to develop the property consistent with the PD-CC-CC commercial zoning district, to serve the local needs of the surrounding community. This project will have a minimal impact on the delivery of public services given the site's proximity to major roadways and utilities that are planned, existing, or under construction. More than half of the Property is not subject to this proposed rezoning (identified as Residue on the Concept Development Plan (CDP)); whose intended use for a place of worship will not serve any economic gain. The proposed community shopping center rezoning is an appropriate use in an appropriate location and is consistent with the policies of the Loudoun County Revised General Plan (RGP) and the Revised Countywide Transportation Plan (CTP).

Special Exception Application Factors – Revised Zoning Ordinance §6-1310

(A) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

The Property is located in the Suburban Policy Area, just south of the Route 50 Corridor, as designated in the RGP. In addition, the Property is located at the nexus of two major planned roads, as designated by the CTP. The proposed PD-CC-CC rezoning is consistent with the RGP, since it serves to provide the commercial resources that are needed by the rapidly growing local residential community. This is further described below.

Land Use and Density

The location of the Property places it within the Dulles Community. The Property comprises three planned land uses: Business, Residential, and Hybrid Retail Center, the latter of which is largely contained in the Residue portion of the Property. All three of these uses allow commercial development.

Several nearby commercial properties are either developing or have developed in a similar design pattern. South Riding Market Square lies to the East, Stone Ridge Shopping Center to the West, and Brambleton Town Center to the North. The types of uses proposed for the Property are consistent with the aforesaid commercial properties however, the Property will be on a smaller scale (±52,800 SF) and will not be anchored by a big-box store but, by a mix of small-medium type stores like a restaurant, bank, pharmacy, and small lease spaces for the office professional or commercial franchise.

Consistent with the RGP, the Property is planned to be developed on central utilities. It's location at the crossroads of two major planned roadways is perfect for serving the general area with commercial needs and amenities, and does not divide neighborhood communities, but rather serves as a buffer between roadway traffic and residential neighborhoods.

Green Infrastructure, Tree Preservation, and Open Space

The only elements of Green Infrastructure that exist onsite consist of forest and accessory wetlands transformed from an old farm pond. There are no floodplain or significant watercourses traversing the site. The proposed development relies on conservation design concepts to retain the natural state of the Property, like Best Management Practices (BMP) and Low Impact Development techniques, to preserve to the maximum extent feasible the forest that currently predominates the Property. Tree protection areas are identified on the CDP where appropriate. Any loss of

wetland area will either be compensated through wetland reconstruction on the Property or, by contributions to a wetlands bank. Regardless of the methodology chosen, final engineering shall employ the techniques necessary to minimize impervious impacts and retain the natural state of the Property, in order to sustain runoff for both existing and ultimate conditions, and satisfy mandated water and air quality standards.

Relationship of Property to Adjacent Parcels/Developments

The Property is surrounded primarily by residential development to the South and West. Commercial development either exists or is pending County review to the North. A single vacant tract bounds the Property to the East. Residential communities all along Gum Spring Road will be well served by the commercial services offered by the Property, coupled with improvements to alleviate traffic congestion, to West Spine Road and the extension of Tall Cedars Parkway.

Design

The Land Use Pattern and Design Policies, Community Policy, and Suburban Transportation Policies suggest that the Suburban Policy Area be **self-sustaining** and include **commercial and employment** uses that are **pedestrian friendly**. The Illustrative Plan found in the CDP is based on the proposed alignments of two planned roads per the CTP. Sidewalk/trail connections are shown between buildings and to adjacent properties. Buffering and screening are provided to protect impacts to adjacent residential neighborhoods. Parking and traffic circulation are directed to the rear of the development, in order to implement the elements of streetscape and land use arrangement found under the Design Guidelines in Chapter 10.

The Green Infrastructure Policy does not apply to the Property. The Property is not located proximate to any designated water supply reservoir. However, the development of the Property seeks to preserve to the maximum extent feasible the forest that currently predominates the Property.

The Open Space Policies recommend a mixture of open space uses for any new development. Due to the commercial nature of the proposed development, two basic forms are provided: Public and Screened Open Space. The Illustrative Plan shows Public Open Space around and between all buildings, to create reasonable accessibility and provide larger outdoor extensions for eating, gathering, or just personal enjoyment. It is intended these larger areas would contain complementary structures and/or landscaping to help foster these activities. Trails and sidewalks fan out to the parking areas and neighboring communities for safety and connectivity. Screened Open Space is located on the periphery, which

serves to both effectively screen non-residential from residential and provide stormwater management.

The General Water and General Wastewater Policies support the extension of central utilities to the Property.

The Infill, Redevelopment, and Revitalization Development Policies do not apply to the Property.

The proposed PD-CC-CC zoning district classification is appropriate for the Property as follows:

- i. The development is a small-scale shopping center in accordance with Article VIII of the RZO;
- ii. It is at the crossroads of two major planned roadways per the CTP;
- iii. The Property's land-use designations, according to the RGP, support commercial development; and
- iv. The submitted Retail Market Analysis by Fore Consulting, Inc. demonstrates a real demand for the commercial uses proposed.

(B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Unless adequate fire flow is not available, the special exception use will be supplied with a sprinkler system inside the building. Notwithstanding, a fire lane plan will be incorporated with the site plan.

(C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Any noise emanating from the site will have minimal impact on the surrounding environs, given the future traffic noise to be generated by the ultimate build-out of West Spine Road and Tall Cedars Parkway. In addition the enhanced landscape buffering proposed by the concurrent rezoning will help buffer noise generated by the site itself.

(D) *Whether the glare or the light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Any glare or light generated will be shielded in accordance with the standards contained in the Facilities Standards Manual, as well as screened by the proposed enhanced landscape buffering. If needed, a photometric

plan based on the proposed lighting will be conducted to maintain acceptable levels.

(E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

The proposed use is very much compatible with the existing surrounding uses, and is further supported by the advent of the Arcola/Route 50 Comprehensive Plan Amendment. The smaller scale development of the Property, as shown by the Illustrative Plan, provides a transition between the higher density commercial uses more appropriately located along the Route 50 corridor to the North, and the single family residential uses to the South. In addition, the intersection of the parallel major collector (Tall Cedars Parkway) and the north-south minor arterial (West Spine Road) is a convenient location to establish that transition.

The Illustrative Plan shows several buildings with interconnecting pedestrian thoroughfares, as opposed to one large continuous structure. No big-box stores are proposed. Intense vegetative and/or structural screening and landscaping to buffer adjacent residential uses is proposed. Bike and pedestrian trails will ensure connectivity throughout and to the surrounding neighborhoods. The layout is designed to promote pedestrian safety and access, at a scale that fits the low density pattern of existing residential neighborhoods.

(F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

The proposal will exceed all buffers and landscaping requirements per the RZO. In addition, existing tree canopy will be preserved to the maximum extent possible. Please refer to the Illustrative Plan on the CDP to observe the abundance of area that would be available to provide sufficient screening and buffering onsite.

(G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archeological or historic features of significant importance.*

The special exception does not affect natural, scenic, archeological or historic features of significant importance. A Phase 1 Archeological study completed by John Milner Associates does not identify any natural, scenic,

archeological, or historic features that adversely impact the County's resources.

(H) *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including ground water) or air quality.*

The proposal will seek to preserve the naturally built features of the site by using a variety of techniques designed to employ vegetative features and make use of newer technologies. These techniques are further described on the CDP. The old farm pond, now a designated wetland, will be impacted by the proposed development, due to the physical and legal constraints such as the Tall Cedars Parkway alignment, zoning setbacks, buffers, and property lines. However, mitigation will be made either by contribution to a wetlands bank or in close proximity to the development itself.

Please note the old farm pond is not designed to current engineering standards, and thus unsafe. The loss of this pond would be inevitable no matter what type of development was constructed.

(I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

This area is designated in the Comprehensive Plan for economic development along the Route 50 Corridor and further supported by the adopted Arcola/Route 50 Comprehensive Plan Amendment. The proposed commercial use offers immediate convenience and will provide desirable employment opportunities to the surrounding residential development and will enlarge the tax base.

(J) *Whether the traffic expected to be generated by the proposed use will adequately and safely served by roads, pedestrian connections and other transportation services.*

Given the improvements to West Spine Road and extension of Tall Cedars Parkway that are proposed with the rezoning of the Property, no adverse impact is projected on the area roads per the Traffic Study Report provided by PHR&A.

The proposed use is located south of Tall Cedars Parkway and will have direct access to this major collector. Pedestrian and bicycle pathways are proposed throughout, for safety and connectivity to surrounding areas. In

addition, the site's location at a future major crossroad is suitable for a future bus stop.

- (K) *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.***

Any existing structure(s) will be removed.

- (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.***

The proposed use will be served by public water and sewer at no cost to the County or the Loudoun County Sanitation Authority (LCSA). Preliminary discussions with the LCSA reveal that adequate supply exists to meet the demands proposed by the rezoning. Several opportunities exist to extend these utilities to the Property. The method by which the Property will be ultimately served will depend on the timing of development of the Property.

The impacts to existing traffic will be minimized by the concurrently proposed rezoning, which proposes improvements to West Spine Road and the extension of Tall Cedars Parkway. According to the submitted Traffic Study Report by Patton, Harris, Rust & Associates (PHR&A), the complete build-out of the Property including the Residue portion for a place of worship (not subject to the proposed rezoning), would result in an additional 11,708 estimated daily vehicle trips. However, this will be adequately handled by proffered road improvements, by the rezoning application and by others in the area.

- (M) *The effect of the proposed special exception on groundwater supply.***

The Property will be served by public water and sewer. The runoff generated by the development south of Tall Cedars Parkway will be treated by a BMP facility as indicated by the CDP.

A preliminary study by Huntley, Nyce & Associates, Ltd. (HNA) finds that no adverse impacts to groundwater resources would result from development of the Property. The stormwater management design proposes BMPs to insure water quality.

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(N) *Whether the proposed use will affect the structural capacity of the soils.*

Any land disturbance for construction shall adhere to the governing standards and ordinance requirements, as they may apply. Steps will be taken to ensure the structural capacity of soils within the property for the proposed use.

(O) *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

The impacts to existing traffic will be minimized by the concurrently proposed rezoning, which proposes improvements to West Spine Road and the extension of Tall Cedars Parkway. According to the submitted Traffic Study Report by Patton, Harris, Rust & Associates (PHR&A), the complete build-out of the Property including the Residue portion for a place of worship (not subject to the proposed rezoning), would result in an additional 11,708 estimated daily vehicle trips. However, this will be adequately handled by proffered road improvements, by the rezoning application and by others in the area.

The special exception use will be located south of Tall Cedars Parkway and will have direct access to this major collector. Pedestrian and bicycle pathways are proposed throughout, for safety and connectivity to surrounding areas.

(P) *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

This area is designated in the Comprehensive Plan for economic development along the Route 50 Corridor. The proposed special exception use along with the other different types of commercial uses proposed with the rezoning will provide desirable employment opportunities to the surrounding residential development and will enlarge the tax base.

(Q) *Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.*

The proposed use will provide a needed amenity and service to nearby residential areas, given the rising home construction in the Suburban Policy Area south and east of Dulles Airport, and along Route 50. Traffic congestion is also on the rise. Thus construction of Tall Cedars Parkway

through the Property will further improve the County's position in providing the safe and orderly development of the Dulles South region. Local employment is enhanced by having more mixed uses, which will be linked by local bus services. Pedestrian linkages will also be provided, which provides greater pedestrian connectivity between existing local employment and residential areas.

(R) *Whether adequate on and off-site infrastructure is available.*

The Property will be served by public water and sewer at no cost to the County or the LCSA. Preliminary discussions with the LCSA reveal that adequate supply exists to meet the demands proposed by the special exception. Several opportunities exist to extend these utilities to the Property. The method by which the Property will be ultimately served will depend on the timing of development of the Property.

The impacts to existing traffic will be minimized by the concurrently proposed rezoning, which proposes improvements to West Spine Road and the extension of Tall Cedars Parkway. According to the submitted Traffic Study Report by Patton, Harris, Rust & Associates (PHR&A), the complete build-out of the Property including the Residue portion for a place of worship (not subject to the proposed rezoning), would result in an additional 11,708 estimated daily vehicle trips. However, this will be adequately handled by proffered road improvements, by the rezoning application and by others in the area.

(S) *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

The uses proposed will not generate noxious odors that will impact the adjacent uses.

(T) *Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Through construction traffic will avoid existing neighborhood and school areas by using the major roadways, ie. existing Route 50 and Route 659, and West Spine Road which is pending construction by others. All state and local requirements will be met in order to mitigate any impact on adjacent parcels and local roads.